

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
Florence Division**

Nationstar Mortgage LLC d/b/a Mr. Cooper,)	
)	
)	Civil Act. No. 4:19-CV-00230-SAL
Plaintiff,)	
)	
v.)	
)	
Barbara J. Gore,)	
)	
Defendant.)	
_____)	

**ORDER OF DEFAULT JUDGMENT
AGAINST DEFENDANT BARBARA J. GORE**

This matter comes before the Court upon a motion for an order of default judgment against filed by Plaintiff Nationstar Mortgage LLC (“Nationstar”). ECF No. 22. Nationstar initiated this action on January 25, 2019, when it filed a complaint seeking to collect amounts that Defendant Barbara J. Gore owed to Nationstar.

Based on the record for this case, Nationstar’s motion for an order of default judgment against Defendant Barbara Gore is hereby GRANTED.

BACKGROUND

The procedural history of this case shows that Nationstar filed this action with the Court on January 25, 2019. In its verified complaint, Nationstar established that it is the holder of a loan under which Defendant Barbara J. Gore borrowed and promised to repay the principal sum of \$400,000.00 plus accrued interest of 7.750% (or as adjusted periodically) per annum over a term of thirty years beginning on January 1, 2007. Ms. Gore defaulted on her repayment obligations under the loan agreement on October 1, 2013, so Nationstar filed this lawsuit to collect amounts due and owing under the adjustable rate note that Ms. Gore signed.

Nationstar was unable to perfect service of process upon Ms. Gore within South Carolina despite multiple good faith attempts to locate and serve her by a process server and by First Class United States Mail. Accordingly, this Court issued an order permitting Nationstar to serve Ms. Gore by publication in the Sun News.

Pursuant to a sworn declaration filed by Nationstar's counsel, the summons and complaint were published in t The Sun News on July 14, 2019; July 21, 2019; and July 28, 2019. The declaration also reflected that during the 21 days following the publication of the summons and complaint on July 28, 2019, counsel for Nationstar did not receive any response to the complaint from Ms. Gore.

Because Ms. Gore failed to serve any response to the complaint upon counsel for Nationstar within 21 days after the last publication of the summons and complaint in the Sun News, Ms. Gore defaulted. *See* Fed. R. Civ. P. 12(a)(1)(i). After receiving a written request for entry of default from Nationstar's counsel, the clerk of court made an entry of default against Ms. Gore. Thereafter, Nationstar filed a motion for default judgment and served copies of that motion upon Ms. Gore to her last known addresses in South Carolina. In support of the motion for default judgment, Nationstar submitted a sworn declaration stating that the outstanding balance that Ms. Gore owed was Three Hundred Forty-Three Thousand Five Hundred Ninety-Nine and 45/100 (\$343,599.45) Dollars. Defendant's deadline to respond to the motion for default judgment was October 4, 2019. To date, Ms. Gore has not appeared in this action or filed and served any response to Nationstar's motion for default judgment or Nationstar's complaint.

As additional support for its motion for default judgment, Nationstar's counsel also filed a sworn declaration establishing that Ms. Gore does not appear in the Defense Manpower Data Center database and is not deployed on active duty service with any Uniformed Service of the

United States.

CONCLUSIONS OF LAW

Rule 55 of the Federal Rules of Civil Procedure allows for entry of default judgment if the plaintiff's claim is for a sum certain with an affidavit showing the amount due. *See* Fed. R. Civ. P. 55(b)(1). Here, Nationstar requests that default judgment be entered against Ms. Gore in the amount of Three Hundred Forty-Three Thousand Five Hundred Ninety-Nine and 45/100 (\$343,599.45) Dollars. To establish the total amount due, Nationstar submitted a sworn declaration from its Senior Principal, Alan Blunt, indicating Ms. Gore's indebtedness of Three Hundred Forty-Three Thousand Five Hundred Ninety-Nine and 45/100 (\$343,599.45) Dollars consisted of the following as of September 10, 2019:

Unpaid Principal Balance	\$249,967.37
Interest from 9/01/2013 to 9/10/2019 (per diem of \$35.95)	\$53,676.04
Escrow Advances for Taxes	\$5,403.04
Escrow Advances for Insurance	\$26,575.50
Attorneys' Fees/Costs	\$5,222.50
Property Inspection Costs	\$630.00
Brokers Price Opinion Costs	\$90.00
Property Preservation Costs	\$2,035.00
TOTAL DUE	\$343,599.45

"In addition to fulfilling the requirements of Rule 55, a party seeking default judgment must also satisfy the requirements of the Service Members Civil Relief Act ("SCRA")." *Mountain 1st Bank and Trust v. Spencer*, C/A No. 7:11-cv-01433-GRA, 2011 WL 13220392, at *1 (D.S.C. Aug. 15, 2011). "Under the SCRA, a plaintiff seeking default in any civil action must file an affidavit stating, with factual support, whether the defaulting defendant is in military service." *Id.* (citing 50 U.S.C. App. § 521(b)(1)(A)). Nationstar's counsel searched for Ms. Gore in the Department of Defense Manpower Data Center database. The records for that database reflected that it did not possess any information indicating whether Ms. Gore is on active duty. Based on

the sworn declarations provided in support of Nationstar's motion for default judgment, the Court concludes that default judgment for a sum certain under Rule 55(b)(1) is warranted.

CONCLUSION

It is therefore ORDERED that Plaintiff Nationstar Mortgage LLC's motion for default judgment is GRANTED, and the Clerk of Court is directed to enter default judgment against Defendant Barbara J. Gore in the amount of Three Hundred Forty-Three Thousand Five Hundred Ninety-Nine and 45/100 (\$343,599.45) Dollars.

It is FURTHER ORDERED, that the default judgment provided herein shall accrue post-judgment interest at the applicable rate for federal civil judgments pursuant 28 U.S.C. § 1961.

s/Sherri A. Lydon

Sherri A. Lydon
United States District Judge

April 8, 2020

Florence, South Carolina